

REMARKS

Claims 14-23 are pending in this reissue patent application. Applicants respectfully point out that in the Office Action dated September 5, 2006, only claims 14-21 were identified as pending. Applicants submit that claims 14-23 should be currently under consideration, and direct the Examiner to the Preliminary Amendment filed on October 13, 2000 as well as the Office Actions issued on December 3, 2001; November 6, 2002; and January 24, 2005 for support of this contention. Appropriate correction is respectfully requested.

Specification

The Office Action states that the application is objected to because it allegedly lacks an abstract of the disclosure as required by 37 C.F.R. § 1.72(b). Attached hereto is a copy of the printed abstract from U.S. 5,563,067, in double column format, on a single sheet of paper, as required for *reissue* applications according to 37 C.F.R. § 1.173 (a)(1). Applicants submit that this is the proper abstract format, and respectfully request withdrawal of the objection.

Assignment

The Office Action states that the application is objected to under 37 C.F.R. § 1.172(a) as allegedly lacking the written consent of all assignees owning an undivided interest in the patent because the Applicants cannot rely upon the assent (or a copy thereof) filed in a parent application. Attached hereto is a proper assent in compliance with the above referenced rule. Accordingly, withdrawal of the objection is respectfully requested.

Oath/Declaration

Claims 14-21 stand rejected as being allegedly based upon a defective reissue declaration under 35 U.S.C. § 251 and 37 C.F.R. § 1.175. Applicants clarify that claims 14-23 are pending, as discussed above, and are subject to the rejection. A reissue declaration is submitted herewith to thereby obviate the rejection of claims 14-23.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 369212000131. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 5, 2006

Respectfully submitted,

By 
Lisa A. Amii

Registration No.: 48,199
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5674